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## **Resistance to Policy Change in the European Union.**

### **An actor-centred analytical framework**

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### Abstract

This article addresses the perspectives and limits of the ever expanding research agenda of various forms of (active or passive) resistance to EU policy change. While taking stock of existing research on Euroscepticism, social movements, Europeanisation and non-compliance, the paper seeks to go beyond their limitations and proposes a broader analytical framework. This framework shall serve to study resistance to policy change in the EU in three constitutive dimensions: its causes, its forms and its effects. We formulate four hypotheses: 1/ a “positive-negative integration hypothesis” analysing the nature of change as a motivation for agents to resist; 2/ a “disposition hypothesis”

relating to the perception and framing of change; 3/ an “arena shifting hypothesis” examining the institutional possibilities for resisting at the national or EU political arena; and 4/ a twofold “concentration hypothesis” looking at the extent to which the concentration of resistance in one or few Member States is likely to affect further integration under different decision making regimes (unanimity or qualified majority).

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#### Introduction

Resistance to European integration seems to be exacerbating. For more than twenty years, phenomena such as citizen protest against specific European policies, referenda lost over the ratification of treaties, and, more recently governments whose chances of re-election decrease because of their pro-European position have increasingly been in the headlines. Resistance – that is active and passive opposition to European integration – is not new. It has mainly been analysed in two distinct perspectives: first by studies on Euroscepticism and social movements, second by public policy approaches and legal

studies concentrating on inertia and non-compliance with European Union (EU) law. However, the perceived intensification and diversification of this resistance calls for a renewed interest in the matter. The period of crisis in which the European Union is currently undergoing makes these phenomena more visible, and broader: domestic politics is no longer insulated from European politics, and European politics is no longer insulated from domestic politics. Rather than a two-level game, EU multi-level politics now take the form of a “simultaneous double game” where decisions at the EU level are intertwined with and shaped by domestic politics in real time, as reflected by the media in the interconnected national public spheres (Crespy and Schmidt 2015). Decision making does no longer be insulated in the secrecy of negotiations in the era of “constraining dissensus” (Down and Wilson 2008). While political science has increasingly studied the interaction between policy and politics, or in other words policy-making and partisan politics, there is not yet a broad analytical framework that offers the possibility to study this interaction, and hence the variables leading to resistance at the EU level.

The starting point of this article is that the perspectives developed in Euroscepticism, social movements, Europeanisation and non-compliance studies, whilst crucial for conceptualizing specific phenomena that have contradicted the idea of an irreversible and ever deeper Union, are not entirely sufficient to understand the complexity of contemporary resistance to European integration. On the one hand, studies of Euroscepticism and transnational mobilisation have focused on political parties and movements’ strategies and identities, but have tended to overlook the role of policy change in driving resistance. On the other hand, the literature on Europeanisation has

investigated the role of domestic actors in facilitating rather than resisting policy change. As far as research on inertia and non-compliance is concerned, it has mostly considered resistance to the implementation of European law and dealt with resistance to the various forms of EU induced policy change (soft law and new modes of governance) only as a second thought (for exceptions see Falkner et al 2005, Saurugger & Terpan 2015). Against this backdrop, this article aims at proposing a framework for analysing resistance to EU induced policy change (both at the EU and national level).

Our perspective relies on three assumptions. First, beyond principled opposition for the EU as a supranational polity, it is policy change induced by (or attributed to) EU integration that triggers the most significant proportion of resistance today. We therefore object to the artificial distinction between resistance to EU policies and the EU polity as we consider that the former leads to the latter.

Second, while non-political variables, such as resources or bureaucratic capacities, certainly influence the degree of compliance with EU law, the bulk of resistance attitudes to policy change in the EU are intrinsically political. This understanding of resistance, while extremely wide-reaching, allows us to include attitudes of inertia (passive resistance) and retrenchment (active resistance) under one heading (Saurugger and Terpan 2015). This definition offers a way to conceptualise actors' strategies used to resist obligations as well as opportunities offered by European norms. It does so without falling in the trap of concept-stretching (Sartori 1970) as these notions do not describe different degrees of but two different types of activities with regard to the same phenomenon. This definition leads to a framework that implies a political – i.e. conflict-driven – definition of resistances and that is actor- rather than variable-centred.

Empirical evidence shows that resistance can occur at all levels of government. To understand resistance to European integration in all its different forms, it is politics in its broad sense, i.e. achieving power exercised by a wide variety of actors in a political society, that must be studied. Hence, in our understanding, resistance is actively created by agents rather than being the mere result of structural misfit at the domestic level.

Third, resistance occurs at all stages of the policy cycle, be it at the stage of agenda setting or policy formulation when actors resist particular ways of framing policy problems or uploading policy models or at the stage of evaluation where the detrimental impact of the Europeanisation of certain policy domains can feed contestation. This article focuses on resistance during the agenda setting, formulation and implementation phase, namely upstream and downstream of decision making – as resistance in the decision-making sequence are widely analysed by legislative studies (see the European Legislative Policy Research Group (ELPRG) [www.elprg.eu](http://www.elprg.eu)).

This article is structured as follows: In the first section, we identify the shortcomings in the existing literature and outline our actor-centred approach. In the second section we formulate four hypotheses explaining the causes, forms and effects of resistance to policy change in the EU: 1) the “positive-negative integration hypothesis”, 2) a “disposition hypothesis”, 3) an arena shifting hypothesis” and 4) a two-fold “concentration hypothesis”. While the purpose of this article is not empirical, we illustrate our hypotheses with references to issues in EU politics and policy-making.

## **Resistance and policy change: recasting the scholarly debate**

Resistance to European integration, defined as active or passive forms of opposition to European policies, politics and polity, are not new phenomena (Crespy and Verschueren 2009). They have been analysed over the past twenty years in four strings of research which have remained unconnected: research in political sociology on Euroscepticism and transnational protest, on the one hand, and studies of Europeanisation and non-compliance in public policy analysis, on the other. This section aims at recasting the scholarly debate in terms in two ways: first, we show how the connection between policy and resistance to EU integration has largely remained a blind spot in the existing conceptualisations of resistance to policy change in the EU; second, we propose an actor-centred approach inspired by political sociology as the theoretical ground for our framework.

### **From Euroscepticism to resistance: political sociology**

The pioneering literature tackling opposition to Europe is focused on the notion of Euroscepticism. It is generally argued that the end of the so-called permissive consensus has allowed for mass-level (Franklin et al. 1995; Hurrelman 2007; de Vries and Steenbergen 2013) as well as party based Euroscepticism (Taggart 1998; Szczerbiak and Taggart 2003, 2008). 'Closed shops of government leaders, interest groups and Commission officials have been bypassed as European issues have entered party competition' (Hooghe and Marks 2009): 9).

With regard to mass-level Euroscepticism, research has concentrated on public opinion and the variables that determine levels of support for European integration, including material, cognitive, value-based and political variables (Gabel 1998; Mc Laren 2002; Eichenberg and Dalton 2007; Ingelhart 2008). More recently, research has found that indifference rather than hostility could describe the attitude of the general public towards the EU (Duchesne et al. 2013). In this sense, the permissive consensus that has allowed elites to govern EU politics without the influence of citizens has not entirely disappeared.

The bulk of Euroscepticism studies are, however, linked to party-based explanations. Since the seminal article by Paul Taggart in 1998, this perspective has generated a vast body of literature (for an overview see Leconte 2010). Starting from the distinction between hard and soft Euroscepticism, authors have put forward numerous definitions and typologies for the phenomenon. Strategy related to domestic party competition and ideology are the main variables highlighted in this literature. One central claim has been that political parties tend to be more: the patterns of Euroscepticism would therefore overlap the government-opposition dynamics (Sitter 2001). Another group of authors has concentrated more recently on how Euroscepticism is rooted in national institutions, histories and cultures (Harmsen and Spiering 2004; Lacroix and Coman 2007; Lacroix and Nicolaïdis 2010; Hobolt and Tilley 2014) thus depicting idiosyncratic forms of resistances to EU integration.

The distinction between opposition to European policies and opposition to the European polity, or, in other words, the European integration itself has often been used. However, the definition of opposition to the European polity has turned out to be very



problematic, as opinions diverge as to precisely *what* the European polity exactly is. For example, the definition of specific support for the European polity as support for “the EU as it is and as it is developing” put forward by Mudde and Kopecky (2002) appears impossible to operationalize since it is precisely here that resistance and contention crystalize. The dichotomy between resistance to EU policies and resistance to European integration *per se* is similarly often misleading and has obscured the intertwining of both. Many policy areas are symbolic for constitutive dimensions of the regime because they define the boundaries of the polity.

Finally, research on collective action and social movements has increasingly focused on resistance to European integration (Imig and Tarrow 2001). Here, it is especially the global justice movement and trade unions who have criticized the neo-liberal bias of the EU (Bieler 2005; della Porta 2006). The policy dimension has been narrowed down to certain specific issues, such as the Lisbon strategy, the regulation on genetically modified organisms or chemicals has triggered loud dissent (Parks 2015). This literature, however, has been more interested in the transnationalisation of protest *in the* EU rather than in resistance *to* the EU (della Porta and Caiani 2011). All in all, political sociology has focused on the study of the resisting actors but has overlooked the importance of policy change in explaining the causes, and effects of such resistance.

The crucial weakness of this literature is that the policy dimension remains largely overlooked. As the established analytical categories have proved less and less useful, some scholars have re-conceptualised Euroscepticism as discourse (Trenz and de Wilde 2012) or, for example, as a more “mainstream” phenomenon linked to populism

(Leconte 2015), thus keeping the focus on politics. This is due to the fact that the EU lacks institutional mechanisms to translate mass preferences directly into policy outcomes (Franklin and Wlezien 1997; Hobolt and Tilley 2013). While policy issues are often mentioned as a motivation for resisting, our ambition is to go further by proposing hypothesis linking policy change and resistance as well as by exploring the policy consequences of such resistance.

### **From policy change to resistance to change: Europeanisation research**

Concentrating more on policies than on politics, the Europeanisation literature has mainly focused on change, thus connecting with the wider policy literature that seeks to identify mechanisms and variables explaining both incremental and dramatic policy change. In this literature, domestic actors and structures are conceived as facilitators or mediators of EU policy implementation at the national level (Börzel and Risse 2000); (Radaelli 2003). Resistance has largely been indirectly addressed when domestic actors turned out to be veto players and rather than facilitators. A specific subfield of the literature on Europeanisation has concentrated on the uses of Europe (Jacquot and Woll 2010) and has put the emphasis on the strategic, cognitive and legitimizing motivations for actors to promote Europeanisation in different ways.

Studies on non-change or resistance to change can be more specifically found in the literature on non-compliance. At the outset, studies of compliance as well as non-compliance were concerned with the issue of convergence between EU laws and their implementation at the national level. European directives and regulations were initially

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considered to be relatively a-political and the efficiency of implementation was addressed in terms of efficiency and capacity of national administrations: the quicker the legislative procedures, the more efficient the implementation of EU law (for an overview see Falkner 2004; Treib 2003).

By the end of the 1990s, the different degrees of implementation became a dependent variable explained by institutional configurations as well as intermediating or facilitating factors (Duina 1999; Börzel 2000; Caporaso et al. 2001). The literature identified four possible outcomes: absorption, transformation, retrenchment, and inertia (Börzel 2001; Risse et al 2001; Héritier and Knill 2001). While absorption and transformation describe degrees of policy change, retrenchment and inertia refer to different degrees of non-change.

Retrenchment is an active transformation process right from the start (Héritier and Knill 2001). Radaelli (2003) calls this form a paradox insofar as domestic policies become less European than they initially were. Here, opposition to European decisions allows coalitions to be created at the domestic level that impose reforms that are diametrically opposed to those decided at the EU level.

In a situation of inertia, European norms do not trigger any transformation at the national level. Inertia may take multiple forms, such as lags, delays in the transposition of directives (Radaelli 2003), or explicit forms of resistance such as strikes, social movements or direct activism. The sustainability of inertia as a long-term strategy is, however, problematic. A long-term opposition may lead to a crisis, and thus usher in radical change. Another possibility might be an ad hoc arrangement of the system,

allowing for opting out strategies the EU has long experienced (Social Charter, EMU, Schengen).

Research on inertia and retrenchment is mostly associated with the literature on compliance or non-compliance with EU law. The bulk of non-compliance studies are anchored in either qualitative case study research (Falkner et al 2005, Tallberg 2002, Panke 2007), based on mixed methods (Kaeding 2007) or quantitative research design (Mastenbroek 2005, Börzel et al 2007, König & Luetgert 2009). Based on the comparative analysis of quantitative research undertaken in this field, Toshkov (2010) offers a comprehensive typology of variables affecting non-compliance.<sup>1</sup> He distinguishes between variables that (across different research projects) affect compliance positively: administrative efficiency, parliamentary scrutiny and coordination strength; and variables that exert a negative (or non-positive) influence: Decentralized/Centralized decision making, corruption levels, veto players (both public and private), and domestic conflict. These variables influence the degree of active as well as passive opposition (Falkner 2005). In this research, types of active opposition or inertia can be understood as an opposition to specific content of EU law, to the EU decision mode or to the national transposition mode. Passive inertia refers to administrative problems or political instability.

Here, besides non-political variables, authors clearly point to the crucial role of actors and conflict over EU legislation. However, this literature treats actors (their number and their nature) as variables and only implicitly, at best, investigates political and administrative actors' motivation for resisting, i.e. in this case, not implementing. The wider context, such as the cognitive frame in which these actors evolve, the national

mood or specific exogenous events (such as international crises for example), are conceptualised as variables. Furthermore, we know that not only directives and regulations trigger opposition, but also more general principles and programs stemming from the EU level which must thus be included amongst the policy issues triggering resistance.

### **An actor-centred approach**

Our approach puts agency at the centre. However, it considers various political and social actors as potential agents of resistance rather than facilitators of change. It has been argued elsewhere that scholarship on Europeanisation focused excessively on agents as agents of change whereas, in reality, there was not automatic or clear link between agency and structural change in the process of EU integration (Coman and Crespy 2015). The Euro crisis has revealed that, in a policy area that was considered amongst the greatest achievements of EU integration, namely a common currency, the Europeanisation of monetary policy failed to trigger the proper adaptation of economic structures in a number of member states. Similarly, in Central and Eastern Europe, a number of political actors is resisting the establishment of democratic institutions and politics conveyed by the EU, as the controversy about constitutional reform in Hungary has epitomized. Hence, our approach is in tune with the sociological approach to Europeanisation (see Saurugger 2009), for example when focusing on the “usages of Europe” (Jacquot and Woll 2003). However, by studying the strategic, cognitive, or legitimizing usages of Europe, Jacquot and Woll tend to focus on agents motivations and self-serving strategies. Similarly, we consider that no EU policy issue is intrinsically

technical or political. Rather, agents frame issues, and by doing so aim at making sense of Eu policies and actions (Jullien and Smith 2008).

Our ambition is to connect better agents' motivations and actions to their institutional environment, defined either as the type of policy change that they react to, or in terms of possibilities for mobilisation, or institutional opportunity structure. Thus, we propose in the following section four hypotheses aims at looking closer at the connection between connect agents' motivations and policy change. Only a research agenda dealing with all three questions: why, how and with which effects actors resist EU policies will allow us to go beyond existing studies, either concentrating on Euroscepticism, social movements, or Europeanisation or non-compliance with EU law. As we have seen above, the question as to *why* various actors resist European integration has been central in the literature. However, this *why* question must be linked to the object of resistance, i.e. *what* exactly actors are resisting and *how* actors are resisting. As an attempt to tackle this problem, we propose that, when resistance is mainly fed by policy change, such change can be conceptualized in two complementary perspectives: a) in terms of the (objective) direction of change entailed by reform or Europeanisation and b) as agency's (subjective) perception and framing of such change. Furthermore, we attempt to link resistances and policy change by looking at the feed-back loops and thus answer the question how citizens' resistance in the large sense influences policy making at the EU level.

## Causes, forms and effects of resistance to policy change: four hypotheses

### Unpacking the nature of policy change

The literature on policy or institutional change has theorized the degree and the pace of change while focusing on critical junctures or, on the contrary, on incremental forms of change (e.g. Streeck and Thelen 2005; Thelen and Mahoney 2010). But they have not theorized about the direction of change, i.e. the substantive nature of proposed policy reforms, which is a main element driving agency motivation to facilitate or, on the contrary, to resist change.

The nature of policy change has been grasped by the distinction between negative and positive integration introduced by F. Scharpf (1999) in European studies. Negative integration implies horizontal integration through the removal of national rules, which are seen as obstacles to the building of a transnational policy field. The building of the common market ruled by the four freedoms (free circulation of goods, people, capital and services) is the typical illustration of negative integration. Positive integration involves the setting up of common policies and instruments at the European level. The Common Agricultural Policy or the Monetary Union are typical examples of positive integration.

However, from an analytical point of view, the contrast between positive and negative integration is not, or is not any longer, as stark as has often been assumed. Empirically, these two types of change are not mutually exclusive. In fact, most policies account for a policy mix containing elements of both negative and positive integration (removal of

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national regulatory barriers from old policy practices accompanied by new policy instruments). The specific combination in each policy field can nevertheless be located closer to one of the poles or in the middle. Asylum policy, for example, constitutes positive integration, which nevertheless remains weak since common rules are limited to common minimum standards for asylum seeker reception. Besides, all other rules, instruments and resources remain decentralized.

It is therefore useful to further disentangle what is at stake with positive and negative integration by conceiving policy change in a two-dimensional way. As change affects the degree of centralisation of competences at the EU level, it can be defined when looking at formal competences, but also informal rules, policy instruments and resources at the level of EU or national and regional authorities. Competition within the internal market, for example, can be regarded as fairly centralized as it is ruled by the EU Commission, which has an exclusive competence for decision making as well as implementation. In contrast, health policy, for example, can be considered to be a decentralized policy. Here the EU's competence is rather residual. Most rules and resources remain located at the national and regional level. This dimension reflects the fundamental functional logic of the EU where competence devolution occurs on a case-by-case basis. It can be assessed by looking at the formal status of the EU competences (exclusive, shared or residual) in the treaties, which often goes hand-in-hand with the binding nature of policy instruments. On the other hand, policy change also affects the balance between States and markets' weight and prerogatives. Liberalisation directives, for instance, while opening national markets to foreign competitors also involve deregulation, i.e. the



suppression of national rules and, consequently, the loss of State control over some activities on its territory.

Thus, negative integration can be understood as a logic of policy change that puts the emphasis on market freedom with very limited re-regulation at the European level. From a legal point of view, it relies on mutual recognition of the Member States' rules rather than harmonisation Europe-wide. Positive integration, on the contrary, is more likely to imply centralisation and market (re)regulation.

In most policy areas, however, strong centralisation and regulation are not any longer very likely (Bickerton et al. 2015). The new instruments for macro-economic governance set up in the aftermath of the financial and debt crisis are an example of very incremental change towards positive integration. Market integration through liberalisation, for instance, has also generated resistance from social groups. At the same time, as we see with the recent refugees' crisis, it has been easier to remove national borders within the Schengen area than it is to set up a genuine common migration and asylum policy. While this makes it difficult to distinguish as clearly as did Scharpf between positive-negative integration, there still remains a two dimensional model of policy change in the EU, which must be based on a continuum where we see mixed types of integration. Scharpf's distinction remains at the basis of our hypothesis which will however be specified through the concepts of perception and framing, as we will see below.

**H1:** Echoing F. Scharpf, we hypothesize that positive integration is, by nature, more likely to trigger resistance than negative integration (the 'positive-negative integration hypothesis').

## Perceptions and framing of policy change

Our conflict-driven and actor-centred conception of resistance to policy change leads us to argue that the nature of resistances cannot simply and mechanically be inferred from the nature of change. Rather, there is a great deal of ‘political work’ done by coalitions of actors to (discursively) construct, or frame change as a problem. This, we argue, mainly relies on actors’ representations of the implications of EU policy and their connection with broader normative conceptions of EU integration.

The Eurocrisis, in particular, shows that this framing dimension is of existential importance for the EU. Beyond nationalist movements and sections of the population it is primarily the – negatively perceived – impact of EU integration on national societies that feeds hostility towards the EU. This is illustrated by Euroscepticism in Germany which essentially took the form of hostility towards the common currency renamed *Teuro* (Busch and Knelangen 2005).

Marks and Hooghe (2009) have compellingly argued that Europe has entered a post-functional era where politicisation of European issues brings about constraints and incentives for political leaders. Thus, discourse about EU integration has increasingly affected the dynamics of policy change over the past two decades (Schmidt and Radaelli 2004). Hence, when analysing resistance in EU politics during the agenda setting and the implementation phase, both arguments must actually be combined: while contestation remains weak at the EU level and day-to-day European policy making might be perceived as technocratic rather than dependent on party politics, studies have shown show how much expertise and politicisation became intertwined (Radaelli 1999;

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Saurruger 2002) and the European Union's games actually became politicized, both at the EU (Follesdal and Hix 2006) and the domestic level (Treib 2003; Keading 2008). Due to its governance system, politics in the EU are intrinsically multi-level. Resistance can occur at all levels of governments and at different stages of the policy making process, and cannot only be linked to a structural misfit hypothesis at the domestic level.

Political conflicts can take place at the domestic, but also at the European level, and are not only based on party politics, left-right or pro- and anti-European cleavages, but also other forms of collective action (advocacy coalitions, transnational networks).

Immigration policy, for example, has become one of the most rapidly Europeanized policy areas which is politically salient and sensitive at the national level. The intricacy of national competences regarded as the prerogatives of the sovereign State, and European rules stemming from the Schengen agreement and the free circulation of persons have produced successive clashes: over the past few years, France expelled from its territory Tunisian immigrants coming from Italy and has been leading an offensive policy towards the Roma population. Germany fought and won a relentless battle against free circulation of workers from Central and Eastern European new Member States and, more recently, British Prime Minister David Cameron criticized the once accepted working immigrants from those same countries. In this debate, the advocates of an 'open' and 'multicultural' Europe resist and denounce the building of a 'fortress Europe', a debate at the centre of the current immigration crisis Europe is experiencing. This tension clearly shapes policy change in the field as the European Commission, among others, endeavours to conciliate in its discourse and policy initiatives the two conflicting ideas of the European polity (Caviedes 2004).

Another telling example is the conflict between a 'social Europe' vs a '(neo)-liberal Europe' used to contest EU initiatives in many policy areas that relate to market regulation and, more generally, the nature of capitalism in Europe. While it still strongly resonates today, these master frames are far from new. As historical studies have demonstrated, these conflicting frames were already used by trade union organisations in the early days of integration, for example to contest the 'liberal turn' leading to a loss of institutional power in the shift from the European Coal and Steel Community to the Treaty of Rome in the late 1950s, or when they demonstrated to promote a European status for miners in the early 1960s (Verschuere 2010). More recently, the same frames have been invoked by left-wing protagonists to resist the development of various liberalisation directives or their implementation (Port Services directive, Postal directive, etc.), and not at least in the context of the EU's bailout strategies in Ireland, Portugal and Greece. A further example in this area is the framing and re-framing strategies in debates about the flexicurity agenda promoted by the EU Commission in which, for instance, unions tried to promote the 'Danish model' as a social democratic alternative to neoliberal reforms of labour markets (Caune 2013).

Although these discursive strategies for resisting policy change are obvious when they touch upon highly salient policy issues or during moments of conflict and polarisation (Jabko 2013), they are also relevant to study resistance to policy change along longer periods of time and when European policy debates are not necessarily in the news. Regarding the Common Agricultural Policy (CAP), the productivist discourse focused on Europe has slowly been complemented by the idea that agriculture plays a crucial environmental role. The EU Commission has consistently promoted the concept of

multi-functionality to promote reform (Fouilleux 2004). In the recent debates about reforming the CAP, a further 'greening of the CAP' involving constraining policy instruments is a major bone of contention. The protagonists who resist this path for policy change, be they parties, administrations or interest groups, state that radical shift of instruments and resources towards the green pillar would threaten the competitiveness of the EU's agricultural sector. The debt crisis the EU has been facing over the past few years has generated new representations and frames that motivate resistance to policy responses to the crisis. The members of national parliaments who refused to approve austerity plans (and corollary conditionality) clearly denounced the 'Europe of austerity' in the name of a 'Europe of solidarity' (Maatsch and Closa 2012). These examples allow us to formulate our second hypothesis.

**H2:** We argue that the greater the distance between actor's frames and the policy goal to be achieved, the higher the resistance actors exert (Zahariadis 2008). A great distance does not, as argued by the misfit hypothesis, necessarily increase adaptational pressure and hence trigger greater change; it may also, on the contrary, generate greater resistance and impede change ('disposition hypothesis') (Saurugger and Terpan 2015). Investigating the nature of change, both in its objective and subjective dimensions, is therefore key to explaining the causes of resistance.

### **Forms and arenas of resistance**

Agents are at the main driving force behind resistance to EU integration. Autonomous actors, they also respond to incentives created by their institutional environment. Research on social movements and interest groups has long established that interest

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representation tends to adapt to the institutional environment and channels for voice being made available in a particular polity. This has been theorized in terms of political opportunity structures (see e.g. Kitschelt 1986, Koopmans 1999).

The specific political opportunity structures at the EU level have induced change in both interest group and social movement structures. The bureaucratic functioning of European Union has led to the domestication of conflict and the professionalisation of interest representation by the “organised civil society” in Brussels. This process also has broader implications. As Mair (Mair 2007) has underlined, if resistance to policy change cannot be voiced and considered in institutional arenas, for instance because the EU is deprived of formal parliamentary opposition – then resistance to policy change might turn into resistance to the polity itself. The implication of this claim is twofold. First, it echoes our assumption that there is no clear-cut separation between opposition to EU policies or opposition to the EU polity. This is the starting point underlying the focus on policy change. A second implication relates to the form of resistance to the EU and the arena in which it is likely to be expressed. In other words, if the political opportunity structure does not allow to channel discontent towards EU induced policy change within the multi-level governance system, it is likely to find its expression in a more adversarial fashion at the domestic level.

This process of contentious ‘arenas shifting’ is illustrated by the intergovernmental turn, which occurred during the financial and debt crisis. In the policy arenas mentioned above, the co-decision procedure offers channelling for political resistance. Similarly, the recent contestation against the Counterfeiting Agreement (ACTA) or the Transatlantic Trade and Investment Partnership (TTIP) shows that resistance to policy change. In

many, but not all EU member states – examples being Poland, Hungary or Slovakia -, the framing in these debates has often been one critical of neoliberal inclinations and the undemocratic nature of the EU. However, the involvement of the EP and has provided a channel for the expression of resistance. Consequently, critics of such agreements have organized, to a significant extent, at the EU level. In contrast, most key decisions during the Eurocrisis (the establishment of financial solidarity funds, the banking union, etc) have been discussed and made in intergovernmental arenas. The EP and other actors representing citizen and civil society's interests have been largely marginalised. Popular discontent with austerity policies is now mainly expressed in a scattered manner by unions, or movements (such as Occupy, the indignados, etc) which, although targeting the EU as a whole, have mainly taken place at the domestic level in an uncoordinated manner (Kaldor and Selchow forthcoming). These movements have led to change in the political majority of a number of member states, as the elections in Italy, France, Denmark, Sweden or Spain since 2013 have illustrated.

Thus, this provides grounds for a third 'arena shifting' hypothesis:

**H3:** The lack of a European level public and political sphere leads to resistances at the domestic level.

### **The consequences of resistance**

The third crucial puzzle related to resistance to policy change in the EU refers to the implications of resistance. In other words we are interested in why and how policy change brings about resistance but also in how resistance feeds back into possible policy making at the EU level. Beyond mere issues of policy non-adoption or non-

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implementation, resistance to policy change in the EU also has major implications for the integration process as a whole, as demonstrated by the way the EU is currently dramatically affected by the European debt crisis.

In a large-scale quantitative study, Toshkov (2011) analysed the link between policy making activity and public support for the EU for the period 1973-2008. He concludes that policy change – measured as the policy output – in the EU followed the “ebbs and flows” of public support of EU citizens for the EU until the mid-1990s. Hence, if resistance occurs at the domestic level, two years later legislative output is smaller at the EU level. On the contrary, if public support for the EU is high, legislative output is higher, again with a two years delay. Since the mid-1990s, the high level of unemployment, on the contrary, influences governments’ positions to a higher degree as support of citizens for the EU. While this study’s findings are interesting, the fact that it does neither take domestic policy debates into account when measuring legislative output, nor international debates, nor looks at the type of legislative output is highly problematic. Furthermore, it is interesting to note that since the mid-1990s, this correlation no longer exists, which leads to the question whether, perhaps, the Eurobarometer measures changed at this period.

Besides decision-making, effects of resistance to policy change can be detected at the various moments of the policy cycle. At the stage of agenda setting, actors are aware that framing and re-framing strategies will decisively shape the future course for policy change. Here, resistance can impact the circumscription of policy issues and, most of the time, this has an effect on whether political and administrative elements will be involved



in the discussion or not. At the stage of policy formulation, resistance may obstruct the entire policy process and stop it. During an entire decade between the mid-1990s and the mid-2000s, a framework directive for the re-regulation of public services at the EU level was on the agenda of all EU institutions. After lengthy discussions on the Commission's Green and White papers, resistance to positive integration on this issue among the member states as well as within the EP led the Commission to not make any legislative proposal on this issue (Crespy forthcoming).

These effects also imply larger feedback loops affecting further policy change and, potentially, the integration process as a whole. Resistance at the domestic level, whether this refers to non-compliance with EU law, debates over policy proposals before they are introduced by the Commission, or the resistance to general norms without judicial control such as new economic governance provisions, backfires into debates at the European level. This also involves soft rules and policy programs. The policy orientations entailed in the Lisbon strategy are a good example. The mid-term review of the strategy in 2005 shed light on the implementation shortfalls in the member states. This not only resulted in the re-orientation of the strategy, it also fed a general scepticism as to the possibility of driving coordinated macro-economic change through voluntary policy programs. Even more dramatically, the recent debates about the governance of the Eurozone have become a case in point for understanding such feedback loops. Some Member States, starting with France, have most of the time failed to meet the benchmarks in terms of public deficits and debt enshrined in the Stability and Growth Pact (Howarth 2007). In addition, the seeming compliance of Southern European countries with the 'duties' associated with the benefits of the common

currency has now made decision makers and public opinion reluctant to favour further integration and solidarity within the Eurozone.

It is therefore necessary to connect the issue of arenas with that of the consequences of resistance, which is possible on two levels. A first, vertical, level refers to resistance expressed during bargaining amongst EU member states. Here, resistance processes contribute to shape the boundaries of the EU polity in a way that can be limitative and lead to a halt of the integration process. For example, the fact that a large number of member states does not wish to go ahead with further integration in the field of economic and social policy makes the EU mainly a regulatory state deprived of welfare state capacities. Hence, it shapes and put limits of integration but does not question it. In contrast, the possibility of a “Grexit” (an exit of Greece from the EU), much more than a possible “Brexit” can be regarded as an example showing how the absence of political fora for discussing political options at the EU level has led to the alienation of one member state against the others. Similarly, the immigration debate in the UK and resistance towards the free movement in the EU is a main motive for British voters to withdraw their support to membership in the EU. In both cases, resistance to EU policies in particular member states leads to the alienation of national constituencies. This overlap between the perimeter of resistance and national membership holds strong potential for European disintegration, whether because some existing policies will have to be altered to keep members in or because it can potentially lead to the exit of one member.

However, policy resistance and its effects also seem increasingly transferred from one member state to another (‘horizontal issue transfer), on a second, horizontal, level. In

highly salient policy issues, EU heads of state and government are cautious in making their position known before monitoring events in other member states and considering how these events might feed back on their own constituency. Greece's President Papandreou's call for a referendum, leading to his resignation in November 2011, serves as an illustration of this monitoring of effects: why would France and Germany force the Greek Prime Minister Papandreou to choose between the referendum, on the one hand, and staying in the euro and receiving further financial support, on the other, at the Cannes G20 meeting in October 2011, but then not do so in 2015 when the new Prime Minister Alexis Tsipras announced a referendum on precisely the same question? Neither in 2011, nor in 2015 was it possible for a national head of state or government to dismiss the public opinion of another member state. But in 2015, doing so would have meant the political opinion of the Greek citizens would contest European integration forcefully enough to push the Greek government to consider openly its exit of the Eurozone. Hence, on highly salient issues, we can suppose that domestic debates, organised interests and the public opinion in other member states influence the position of member states in bargaining (see also Meyer 2004).

These propositions can be analysed in the light of institutional possibilities for particular actors to use a veto. In the framework of co-decision, or (qualified) majorities more broadly, if resistance is concentrated in one (or few) member states without the possibility of horizontal issue transfer, it can be overcome by other members. In turn, if it is a majority position, it will shape future policy change more strongly.

This leads us our last and fourth ‘concentration’ hypothesis, which takes a twofold form according to the institutional rules of the game.

**H4a:** Under the unanimity regime, the more resistance is concentrated in one member state, the stronger the effects will be in terms of disintegration of the EU policies or polity.

**H4b:** Under the majority regime, the more resistance is concentrated in one member state without the possibility of ‘horizontal issue transfer’, the weaker its effects will be.

## Conclusion

Over the past two decades, a new research agenda on the various forms of resistance to EU integration has been emerging. The recent developments in the EU, this paper has argued, however, call for a new and refined approach to analysing resistance. Beyond mere nationalism, resistance to EU integration is fed by the perception of detrimental policy change among various social groups and actors. While the debt crisis in the Eurozone epitomizes this phenomenon, this has also been true for immigration policy, market liberalisation in various sectors or adjustments to the welfare State triggered by the ‘convergence’ towards the Maastricht criteria. We therefore suggest going beyond principled Euroscepticism research, on the one hand, and non-compliance studies, on the other, by considering that resistance to EU integration is principally directed to policy change perceived as detrimental by agency and that it is the result of contention and politics. Drawing on various approaches and recent studies, the proposed framework examines the causes and the effects of resistance to EU induced policy

change. To explain the causes of such resistance, it is crucial to examine not only the direction of change (more or less market freedom, more or less centralisation at the EU level), but also the way change is perceived and framed by the affected agents, as well as the influence of feedback loops. We derive four hypotheses that connect the nature of change and the nature of resistance to change. The effects of policy resistance take multiple forms and are closely linked to questions of the democratic legitimacy of every political system (van Ingelgom 2014).

This framework advances our understanding of resistance to policy change by systematically combining what we know about Europeanisation and policy change with the knowledge about the multi-level politics in the EU. It offers several analytical and conceptual tools, which can be applied to all types of actors and policy areas. Only a more structured, encompassing, and systematic analysis of resistance to policy change will allow us to understand where the European project as a whole is heading.

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<sup>1</sup> Although Toshkov's taking stock exercise is exclusively based on quantitative non-compliance studies, the variables consistently reflect those found in qualitative studies.